

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ni *et al.*

Appl. No.: 10/648,825

Filed: August 27, 2003

For: **Death Domain Containing
Receptor-5 Antibodies and
Methods of Use (As Amended)**

Confirmation No.: 3624

Art Unit: 1646

Examiner: Kaufman, Claire M.

Atty. Docket: 1488.131000C/EJH/SAC

**Twelfth Supplemental Information Disclosure Statement
under 37 C.F.R. § 1.97(d)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Form, PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Twelfth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Eleventh Supplemental Information Disclosure Statement filed on December 19, 2006 in connection with the above-captioned application.

Copies of documents **AS82** to **AR84** are submitted. The Examiner's attention is directed to these documents, which are the Decision on the Motions, Priority Times Order and Miscellaneous Order in Patent Interference Nos. 105,380 ("the '380 interference") and 105,381 ("the '381 interference"). The '380 interference involves U.S. Patent No. 6,569,642 and U.S. Application No. 09/042,583, a related application to the above-captioned application. The '381 interference involves U.S. Patent No. 6,642,358 and U.S. Application No. 10/005,842, a related application to the above-captioned

application. These documents are being cited to fulfill our duty of disclosure under 37 C.F.R. § 1.56.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date:

April 19, 2007

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Substitute for form 1449/PTO				Complete if Known	
TWELFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/648,825
				Filing Date	August 27, 2003
				First Named Inventor	Ni, Jian
				Art Unit	1646
				Examiner Name	KAUFMAN, Claire M.
Sheet	1	of	1	Attorney Docket Number	1488.131000C/EKS/EJH

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	AS82	United States Patent and Trademark Office, "Decision – Motions – Bd.R. 125(a) for Human Genome Sciences, Inc. v. Immunex Corp.," Patent Interference No. 105,380, filed March 9, 2007, 89 pages	
	AT82	United States Patent and Trademark Office, "Decision – Motions – Bd.R. 125(a) for Human Genome Sciences, Inc. v. Immunex Corp.," Patent Interference No. 105,381, filed March 26, 2007, 104 pages	
	AR83	United States Patent and Trademark Office, "Order – Priority Times – Bd.R. 104(c) for Human Genome Sciences, Inc. v. Immunex Corp.," Patent Interference No. 105,380, filed March 9, 2007, 5 pages	
	AS83	United States Patent and Trademark Office, "Order – Miscellaneous – Bd.R. 104(a) for Human Genome Sciences, Inc. v. Immunex Corp.," Patent Interference No. 105,380, filed April 9, 2007, 4 pages	
	AT83	United States Patent and Trademark Office, "Order – Priority Times – Bd.R. 104(c) for Human Genome Sciences, Inc. v. Immunex Corp.," Patent Interference No. 105,381, filed March 29, 2007, 5 pages	
	AR84	United States Patent and Trademark Office, "Order – Miscellaneous – Bd.R. 104(a) for Human Genome Sciences, Inc. v. Immunex Corp.," Patent Interference No. 105,381, filed April 9, 2007, 4 pages	

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Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.